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Attorneys for Plaintiff
 MARK K. SCHULTHIES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MARK K. SCHULTHIES,

Plaintiff,

v.

NATIONAL PASSENGER RAILROAD
 CORPORATION dba AMTRAK, JOSEPH
 W. DEELY, STEVEN SHELTON, and
 DOES 1 through 15, inclusive,

Defendants.

NO. C08-5538 CW

**STIPULATION AND ~~PROPOSED~~
 ORDER TO ALLOW PLAINTIFF TO
 FILE SECOND AMENDED
 COMPLAINT**

The parties, by and through their respective counsel of record, stipulate that Plaintiff MARK K. SCHULTHIES may file a Second Amended Complaint on or before September 21, 2009. Defendants will have three (3) weeks after the filing of the Second Amended Complaint, up to and including October 12, 2009, to answer or otherwise respond to said complaint. Good cause exists for said stipulation because counsel for the parties agree that certain proposed revisions to the First Amended Complaint filed on August 31, 2009 (Doc. 31) by MR. SCHULTHIES may obviate the need for a subsequent Motion to Dismiss by Defendants or for further amendments if a motion to dismiss is granted.

1 Dated: September 9, 2009

PRICE AND ASSOCIATES

2
3 /s/ Pamela Y. Price
4 PAMELA Y. PRICE Attorneys for Plaintiff
5 MARK K. SCHULTHIES

6 Dated: September 9, 2009

JACKSON LEWIS LLP

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8 [Signature]
9 DYLAN CARP, Attorneys for Defendant
10 NATIONAL PASSENGER RAILROAD
11 CORPORATION dba AMTRAK, and
12 JOE DEELY

13 **ORDER**

14 Pursuant to the foregoing stipulation of the parties and good cause appearing therefore,
15 **IT IS HEREBY ORDERED** that Plaintiff MARK K. SCHULTHIES may file a Second Amended
16 Complaint on or before September 21, 2009. Defendants will have three (3) weeks after the filing of
17 the Second Amended Complaint, up to and including October 12, 2009, to answer or otherwise respond
18 to said complaint.

19
20 Dated: 9/14/09

